

REMARKS

Claims 1-16, 20-27 and 31-56 are cancelled; claims 17-19, 28 and 29 are amended; new claim 57 is added; and claims 17-19, 28-30 and 57 are pending in the application.

The Examiner objects to the drawings and specification. Initially, the Examiner notes that the proposed reference sign "51" submitted in a replacement Figure 8 with a previous response (specifically, Applicant's "Response to August 5, 2003 Office Action", which was mailed by Applicant on November 4, 2003) is not appropriately supported by Applicant's specification. Applicant respectfully submits that the Examiner is mistaken, and refers the Examiner to page 2 of the "Response to August 5, 2003 Office Action" wherein Applicant amends paragraph 0040 of the specification to refer to a portion 51 of Fig. 8. Applicant therefore requests that the Examiner's objection to the specification is not adequately supporting the reference sign "51" be withdrawn in the Examiner's next action.

The Examiner objects to the drawings for utilizing the reference character "52" to designate both a "isolation region" in Fig. 7, and a "exposed portion of mass 16" in Fig. 8. Applicant is submitting a drawing correction herewith which changes the numeral "52" of Fig. 8 to "53". Applicant is also including herewith an amendment to paragraph 0040 of the specification so that the specification now refers to an exposed portion 53 of mass 16, and accordingly the specification is changed to be consistent with the replacement sheet of Fig. 8 submitted herewith.

Claims 29 and 30 are indicated to contain allowable subject matter, but stand objected to for depending from a rejected base claim 16, and also for a §112, second paragraph, rejection lodged against base claim 16. Claim 29 (from which claim 30

depends) is amended to place the claim in independent form. Such amendment is also believed to cure the §112 rejection that had previously been lodged against claim 16. Specifically, §112 rejection was that a limitation of “the providing step” lacked antecedent basis in claim 16. Such limitation of claim 16 was intended to indicate that a recited semiconductor material was formed after provision of an insulative material spacer. Applicant's amendment to claim 29 incorporates the limitations of claim 16 into claim 29, without using the phrase “the providing step”. Instead, Applicant's amended claim 29 recites the limitation as “after forming the insulative material spacer, entirely filling the recess with a semiconductor material”. Such phrase of amended claim 29 is believed to have appropriate antecedent basis, and Applicant therefore believes that amended claim 29 has overcome the §112 rejection against the base claim 16, and further is allowable over the prior art for the reasons stated by the Examiner in the Action mailed January 28, 2004. Applicant therefore requests formal allowance of claim 29 in the Examiner's next action.

Claims 17-19, 28 and 30 depend from claim 29, and are therefore believed allowable for at least the reasons for which claim 29 is allowable.

New claim 57 also depends from claim 29, and therefore is believed to be allowable for at least the reasons for which claim 29 is allowable.

The pending claims are believed allowable for the reasons discussed above, and Applicant therefore requests formal allowance of such claims in the Examiner's next action.

Respectfully submitted,

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By: 

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